

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

Perry Pierce

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

FILED - GR

December 8, 2022 11:51 AM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: KB 12-8

v.

Karen Thomas; A. Welder

1:22-cv-1167

Ray Kent

U.S. Magistrate Judge

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

COMPLAINT
(Print Clearly)

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$402.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☒ No ☐
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

US District Court Grand Rapids, MI 49503

2. Is the action still pending? Yes ☒ No ☐

a. If your answer was no, state precisely how the action was resolved: _____

3. Did you appeal the decision? Yes ☐ No ☐

4. Is the appeal still pending? Yes ☐ No ☐

a. If not pending, what was the decision on appeal? _____

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☒

a. If so, explain: _____

II. Parties

A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Perry Pierce
 Place of Present Confinement Berrien County Jail
 Address 919 Port Street, St. Joseph, MI 49085
 Place of Confinement During Events Described in Complaint Berrien County Jail

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 Karen Thomas
 Position or Title Head Nurse
 Place of Employment Berrien County Jail
 Address 919 Port Street St. Joseph, MI 49085
 Official and/or personal capacity? Official & Personal

Name of Defendant #2 A. Welder
 Position or Title Nurse
 Place of Employment Berrien County Jail
 Address 919 Port Street, St. Joseph, MI 49085
 Official and/or personal capacity? _____

Name of Defendant #3 _____
 Position or Title _____
 Place of Employment _____
 Address _____
 Official and/or personal capacity? _____

Name of Defendant #4 _____
 Position or Title _____
 Place of Employment _____
 Address _____
 Official and/or personal capacity? _____

Name of Defendant #5 _____
 Position or Title _____
 Place of Employment _____
 Address _____
 Official and/or personal capacity? _____

III. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. **Do not include unrelated claims.** Use as much space as you need. Attach extra sheets if necessary.

Introduction: On 11, 20, 2022 Around 7:30 AM I Complained to nurse A. Welder, that I WAS HAVING severe pain in my left side lower region I explained to her it WAS the same kind of Severe pain I had when I had Kidney Stones last year. Nurse Welder refuse to do anything for me, thus having me suffer severe pain for 4 hrs Refusing to do anything until I started throwing up that when she decided to send me to the Hospital where it was confirmed that I did have Kidney stones. Nurse K. Thomas AND Nurse A. Welder Action & INActions shows A deliberate indifference to my serious medical need, their Actions & INActions has placed my wellbeing in danger AND I'm in fear of my life while incarcerated here at Berrien County Jail.

1.) On 11, 20, 2022 I told the Nurse A. Welder that I WAS HAVING severe pain in my lower left side which WAS the same kind of pain I had when I had Kidney stones last year.

2.) Nurse A. Welder Called me down to the Nursing station About A hour AND A half After I Complained to her About My pain. she took

My Vital signs And told me theres Nothing wrong with your Vital Signs, I told her there will be Nothing Wrong with My Vital Signs My Pain is in My lower left side And going down to My Penis.

3.) Nurse A. Welder told me she wanted me to pee in A ~~cup~~ Cup, I explain to her that I Couldn't pee, the officer said that they would have to do A Catherer which would be stuck in my Penis. I told Nurse Welder to go ahead and do the Catherer Procedure because I Couldn't pee, she said see WASN't going to do that And sent me back to my dorm with the Cup to pee in stating she Couldn't do Nothing to help me. And even if I Could pee in the Cup she would have had to send it out to get tested which would have taken hours, thus shows that I would have been going through severe Pain for hours And she didnt give me No Pain Medication for the severe Pain I WAS suffering through.

4.) On 11, 20, 2022 After Complaining to Nurse Welder And I Couldn't pee in the Cup the officer Came to my dorm And told me to Pack up my Property And Moved Me downstairs to the holding tank, this WAS After About 2 1/2 hours After I Complained to Nurse Welder About my Pain. I WAS placed in the ~~what~~ holding tank around drunks And inmates who WAS going through with drawals

I WAS told I WAS placed in the Holding Tank SO I Can be observed

5.) ON 11-20-2022 After being in the Holding tank For, About 2 hrs I started throwing up because the pain WAS so severe, the Inmates Pressed the Call button And told the officer that I needed Medical Attention, Nurse Welder didnt Come see me until 40 mins later. When Nurse A. Welder seen that I had throwed up she told the officer that she had to send me out to the hospital Now, this WAS 4hrs after I had Complained to her About having severe Pain

6.) ON 11-20-2022 When I Arrived at the Hospital (Spectrum/Lakeland hospital) the Nurse said Nurse A. Welder told them I WAS having gallbladder Problems When the Nurse At the Hospital to Ask Me where WAS I having my pain At I told her I told Nurse A. Welder that it WAS on my lower left side, At it WAS the same Kind of Pain I had last Year when I Came to the Hospital last Year AND WAS diagnosed with Kidney stones. The Nurse At the Hospital told Me Well Nurse Welder misinformed us because if the pain is on your left side it Cant be your gallbladder because your gallbladder is on your right side, this shows Nurse A. Welder Unprofessionalism.

7.) ON 11-20-2022 the Doctor at the hospital told me he was sorry that I had to go through that much pain for so long he stated that they should have been brought me over there. He said that the Cat scan shows that I had kidney stones and that I had a mass on my kidney that they think may be cancerous.

8.) ON 11-20-2022, when I was being released from the hospital, the nurse gave me a strainer and a biohazard bag and told me that when I pee pee in the strainer to catch the kidney stone and then place the kidney stone in the biohazard bag and give the bag to the nurse at the jail so that they can send it back to the hospital so that they can test the kidney stone to see what's in my diet that keep causing me to have kidney stones. The nurse at the hospital said she is send the order back to the jail house nurse explaining to her the same instructions.

9.) ON 11-20-2022 I pee out the kidney stone and gave it back to Nurse A. Welder.

10.) ON 11-22-2022 when Nurse Welder made her rounds to pass out medication I asked her if she send the kidney stone back to the hospital to get tested, she said she through threw the kidney stone away because Nurse

Karen Thomas the head nurse said they don't do that here.

11.) ON 11-23-2022 After Writing A Complaint on Nurse Welder For throwing Away the Kidney stone, Nurse Karen Thomas Came to see me I Asked her why she told Nurse Welder to throw Away the Kidney stone because that's the only way they can tell and prevent me from having the Kidney stones Again! And what was the reason For the nurse at the Hospital giving me the strainer, if they was just going to throw it Away at the jail. Nurse Karen Thomas said they threw it Away, because the Hospital didn't tell them to send it back to get tested, Even if this is so Nurse Karen Thomas being the Head Nurse, should know that the Kidney stone should be tested to Further prevent me from suffering from Severe Pain From Kidney stones in the future.

Inconclusion: Nurse Karen Thomas And Nurse A. Welder Action AND INACTION'S shows A substantial lack of Concern For My serious Medical Needs AND there Unprofessionalism Concerning my medical Need violates the 14th Amendment And 15th. I seriously believe that My Wellbeing is in serious Jeopardy AS long AS I'm here At the Berrien County Jail Especially Now that I may have Cancer And that the Nurses here are Inadequate.

IV. Relief

State briefly and precisely what you want the court to do for you.

*I want each defendant to be FINE 50,000
For Violating My Constitutional Rights and I
want Punitive damages in the amount of 50,000
For making me suffer severe physical Pain. Also
I want the Court to move me to another facility
so that I can get my Medical Needs properly
Addressed.*

V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

- ☒ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.
- ☐ I request that this case be assigned to a district judge.

11-29-22
Date

D. Pierce
Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

PERRY Pierce
Berrien County Jail
919 Port Street
St. Joseph, MO 64508

To: Clerk
US
399
110 N
Grave



-K of The Court
District Court
Federal Building
Michigan St. NW
Rapid, MI 49503